

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

Amandeep Singh,

Plaintiff,

v.

Titan Fitness Holdings, LLC d/b/a Fitness
Connection,

Defendant.

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: Civil Action No.: 4:14-cv-3141
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:
: **COMPLAINT**
: **JURY**
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For this Complaint, the Plaintiff, Amandeep Singh, by undersigned counsel, states as follows:

JURISDICTION

1. This action arises out of Defendant's repeated violations of the Telephone Consumer Protection Act, 47 U.S.C. § 227, *et. seq.* (the "TCPA").
2. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b), in that the Defendant transacts business in this District and a substantial portion of the acts giving rise to this action occurred in this District.

PARTIES

3. The Plaintiff, Amandeep Singh ("Plaintiff"), is an adult individual residing in Richmond, Texas, and is a "person" as defined by 47 U.S.C. § 153(39).
4. The Defendant, Titan Fitness Holdings, LLC d/b/a Fitness Connection ("Titan"), is a Virginia business entity with an address of 8200 Greensboro Drive, McLean, Virginia 22102, and is a "person" as defined by 47 U.S.C. § 153(39).

FACTS

5. In June 2014, Titan began calling Plaintiff at his cellular telephone number 832-xxx-9918.

6. The calls were placed from 855-355-5515.

7. At all times mentioned herein, Titan called Plaintiff on his cellular telephone using an automatic telephone dialing system (“ATDS”) and a prerecorded or artificial message.

8. Titan used an automated voice when placing calls to Plaintiff indicating it was attempting to reach “Michelle Garden” who is unknown to Plaintiff.

9. During a live conversation in June 2014, Plaintiff informed Titan that he was being called in error and instructed Titan to remove his telephone number from the account and cease all communications with him.

10. Nonetheless, the calls persisted.

COUNT I
VIOLATIONS OF THE TCPA – 47 U.S.C. § 227, et seq.

11. The Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

12. Plaintiff never provided his cellular telephone number to Titan and never provided his consent to be contacted on his cellular telephone.

13. Without prior consent Titan contacted the Plaintiff by means of automatic telephone calls or prerecorded messages at a cellular telephone in violation of 47 U.S.C. § 227(b)(1)(A)(iii).

14. Titan continued to place automated calls to Plaintiff’s cellular telephone after being advised it had the wrong number and knowing there was no consent to continue the calls.

As such, each call placed to Plaintiff was made in knowing and/or willful violation of the TCPA, and subject to treble damages pursuant to 47 U.S.C. § 227(b)(3)(C).

15. The telephone number called by Titan was assigned to a cellular telephone service for which Plaintiff incurs charges for incoming calls pursuant to 47 U.S.C. § 227(b)(1).

16. The calls from Titan to Plaintiff were not placed for “emergency purposes” as defined by 47 U.S.C. § 227(b)(1)(A)(i).

17. Titan’s telephone system has the capacity to store numbers in a random and sequential manner.

18. Plaintiff is entitled to an award of \$500.00 in statutory damages for each call made in negligent violation of the TCPA pursuant to 47 U.S.C. § 227(b)(3)(B).

19. As a result of each call made in knowing and/or willful violation of the TCPA, Plaintiff is entitled to an award of treble damages in an amount up to \$1,500.00 pursuant to 47 U.S.C. § 227(b)(3)(B) and 47 U.S.C. § 227(b)(3)(C).

PRAYER FOR RELIEF

WHEREFORE, the Plaintiff prays that judgment be entered against the Defendant:

- A. Statutory damages of \$500.00 for each violation determined to be negligent pursuant to 47 U.S.C. § 227(b)(3)(B);
- B. Treble damages for each violation determined to be willful and/or knowing pursuant to 47 U.S.C. § 227(b)(3)(C);
- C. Such other and further relief as may be just and proper.

TRIAL BY JURY DEMANDED ON ALL COUNTS

Dated: November 4, 2014

Respectfully submitted,

By: /s/ Jenny DeFrancisco

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